

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-10494-HH

PHILLIP WAYNE TOMLIN,

Petitioner-Appellant,

versus

TONY PATTERSON,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama

ORDER:

Appellant's motion for a certificate of appealability ("COA") is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). The appellee's motion to remand on a limited basis for determination of a COA by the district court is DENIED AS MOOT because the district court since has denied appellant a COA. The appellee's motion to restart or reset briefing is DENIED AS MOOT because the briefing schedule automatically was stayed when appellant filed his COA motion in this Court. *See* 11th Cir. R. 31-1(b)(1).

/s/ Charles R. Wilson
UNITED STATES CIRCUIT JUDGE

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 08, 2019

Clerk - Southern District of Alabama
U.S. District Court
155 ST JOSEPH ST
STE 123
MOBILE, AL 36602

Appeal Number: 19-10494-HH
Case Style: Phillip Tomlin v. Tony Patterson
District Court Docket No: 1:10-cv-00120-CG-B

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Christopher Bergquist, HH
Phone #: 404-335-6169

Enclosure(s)

DIS-4 Multi-purpose dismissal letter